

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 10, 2007**

## DIVISION TWO

B187084      Sheila Cochran-McKinney      (Not for Publication)  
v.  
County of Los Angeles, et al.

The order and judgment of the trial court are affirmed. Respondents are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.  
Chavez, J.

B193026      Film Permits Unlimited, Inc., et al.  
v.  
Entertainment Industry Development Corporation, et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 4, 2006) dismissed.

B188589      Spirtos  
v.  
Allstate Insurance Company

Filed order denying petition for rehearing.

May 10, 2007 (Continued)

DIVISION THREE

B190950      Faust                                  (Certified for Publication)  
v.  
California Portland Cement Company

The judgment is reversed with respect to first, third, fourth, fifth and sixth causes of action and the matter is remanded for further proceedings thereon; the judgment is otherwise affirmed. Faust shall recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B192731      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Thomas V.

The juvenile court jurisdictional findings are affirmed. No costs are awarded on appeal.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B183981 County of Los Angeles, et al. (Certified for Publication)  
v.  
Commission on State Mandates

The judgment is affirmed. Each party shall bear its own costs on appeal and cross-appeal.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

May 10, 2007 (Continued)

DIVISION FOUR

5-10-07

996611-07

The HONORABLE **CANDACE D. COOPER**, Presiding Justice of the Court of Appeal, Second Appellate District, Division Eight, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Four**, as a justice thereof, on the following dates:

May 17, 2007

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: May 4, 2007

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

DIVISION FIVE

B154184     Terry Hutton            (Not for Publication)  
                 v.  
                 Herbert Hafif et al

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur:    Armstrong, J.  
                     Mosk, J.

May 10, 2007 (Continued)

DIVISION FIVE (continued)

B190114      Pedro Martinez                      (Not for Publication)

v.

Jose Martinez

The judgment is reversed. No costs are awarded.

Mosk, J.

We concur:    Turner, P.J.

Kriegler, J.

B192169      People                                      (Not for Publication)

v.

Albert F.

The judgment is affirmed.

Armstrong, Acting P.J.

We concur:    Mosk, J.

Kriegler, J.

B189481      People

v.

Ray Chester Lewis

Filed order vacating submission order of January 9, 2007 awaiting decision of the California Supreme Court in *Peo v. Towne* (S125677); *People v. French* (S148845); *People v. Hernandez* (S148974); *People v. Prado* (S148914); *People v Mvuemba* (S149247); or *People v. Sandoval* (S148917). Depending on resolution of the issues raised in any or more than one of these cases, the court will order prompt briefing and resubmission of the matter as is appropriate.

DIVISION FIVE (continued)

B186705     Patti Michaely  
              v.  
              Joshua Michaely

Filed order certifying opinion for publication.

DIVISION SIX

B194401     People                                 (Not for Publication)  
              v.  
              Stafford

The judgment is affirmed.

Gilbert, P.J.

We concur:    Coffee, J.  
                      Perren, J.

B182014     People                                 (Not for Publication)  
              v.  
              Perez

The sentence of five years for evading an officer causing injury is vacated and the matter remanded for resentencing on that offense consistent with *Cunningham v. California, supra*, 2007 WL 135687. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections. In all other respects the judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                      Coffee, J.

May 10, 2007 (Continued)

**DIVISION SIX (continued)**

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B189524 People v. Leon (Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B189874      People                      (Not for Publication)  
v.  
Burden

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

DIVISION SIX (continued)

B194516      People                      (Not for Publication)  
                 v.  
                 Herron

The judgment is affirmed.

Gilbert, P.J.

We concur:   Yegan, J.  
                 Perren, J.

B189699      People                      (Not for Publication)  
                 v.  
                 Hunter

The judgment is affirmed.

Gilbert, P.J.

We concur:   Yegan, J.  
                 Coffee, J.

B193398      People                      (Not for Publication)  
                 v.  
                 Wiley

The judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Perren, J.

May 10, 2007 (Continued)

DIVISION SIX (continued)

B192368      People                      (Not for Publication)  
                 v.  
                 Edwards

The judgment is affirmed.

Gilbert, P.J.

We concur:   Yegan, J.  
                 Coffee, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B186191 People v. Johnson  
B186450 People v. Iniguez  
B187722 People v. Aguilar  
B188602 People v. Price  
B190227 People v. Torres  
B190463 People v. Cardenas  
B191210 People v. Rios  
B192817 People v. Corrales  
B194365 People v. Eduardo G.

Argument waived, cause submitted.



DIVISION SEVEN (continued)

B187738     People  
              v.  
              Peaches W.,

Merits:  
Argued by Mary Bernstein for appellant and by Robert Breton, Deputy  
Attorney General for respondent. Cause submitted.

B193079     People  
              v.  
              Fluker

Merits:  
Argued by Jennifer Peabody for appellant and by David Wildman, Deputy  
Attorney General for respondent. Cause submitted.

B183396     People  
              v.  
              Erazo

Merits:  
Argued by Susan Keiser for appellant and by Douglas Wilson, Deputy  
Attorney General for respondent. Cause submitted.

B190786     People  
              v.  
              Valladares

Merits:  
Argued by Richard Fine for appellant and by Herbert Tetef, Deputy  
Attorney General for respondent. Cause submitted.

DIVISION SEVEN (continued)

B184314     Dorlac  
              v.  
              Clairmont Academy et al.,  
              L. A. Unified School District

Merits:

Argued by Paul Fitzgerald for appellant and by Todd Fuson and J. Alan Warfield for respondents. Cause submitted.

B185836     Bobbitt  
              v.  
              Price

Merits:

Argued by Bryon Bobbitt appellant in propria persona and by Thomas Dunlap for respondent. Cause submitted.

B186397     Washington  
              v.  
              Washington

Merits:

Argued by Noelle Halaby for appellant and by Jonathan Ivy for respondent. Cause submitted.

B186499     Barton Properties et al.,  
              v.  
              King Purtich Holmes et al.,

Merits:

Argued by Edward Horowitz for appellants and by Alan Weil for respondents. Cause submitted.

Court recessed.

May 10, 2007 (Continued)

DIVISION SEVEN (continued)

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B187844 Ralph's Grocery, et al. v. McLeod, et al.

B187854 Massie, et al. v. Ralph's Grocery, et al.

Merits:

Argued by Henry Lederman for appellants and by Scott Brooks for respondents. Cause submitted.

B188582 Martinez et al.,

v.

Moreno et al.,

Autozone

Merits:

Argued by Jacqueline Koch for appellants and by Daniel Emilio and Michael Hoffman for respondents. Cause submitted.

B189019 Aleman et al.,

v.

La Puente Valley Co. Water District

Merits:

Argued by Robert Brown for appellants and by Terry Anastassion for respondent. Cause submitted.

DIVISION SEVEN (continued)

B188553     Marcus & Millichap et al.,  
                 v.  
                 Woodman Investment et al.,

Merits:

Argued by Daniel Alberstone for appellants and by Mark Borenstein for respondents. Cause submitted.

B188985     Gardner v. Allstate Insurance  
B188986     Fine v. Safeco Insurance  
B188987     Luscombe-Schwab v. State Farm Insurance

Merits:

Argued by William Shernoff for appellants and by John Brooks, Gregory Eisenreich and James Robie for respondents. Cause submitted.

Court adjourned.

B185817     Sigelamn  
                 v.  
                 Penuela

Filed order denying petition for rehearing.

B138229     Smolker  
                 v.  
                 Pacific Villa Homeowners Assn.

Filed order denying petition for rehearing.

DIVISION SEVEN (continued)

B181232     People  
              v.  
              Nava

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

B192925     Cameron et al.,                    (Not for Publication)  
              v.  
              U.S. Bank, formerly known as Firststar Bank,

The trial court is directed to vacate (1) its order dated April 12, 2002 awarding Bank attorney fees and costs and (2) its order dated July 20, 2006 awarding the Bank attorney fees and costs. The court shall enter a new order denying the Bank attorney fees and costs. Appellants are entitled to costs on appeal.

Cooper, P.J.

We concur:   Boland, J.  
                  Flier, J.

B191282     Welch et al.,                    (Not for Publication)  
              v.  
              St. George et al.,

The judgment is affirmed. Respondents are entitled to costs.

Cooper, P.J.

We concur:   Rubin, J.  
                  Boland, J.

## DIVISION EIGHT (continued)

B193013 People (Not for Publication)

V.

Perez

The imposition of the \$20 court security fee is stricken. In all other respects the judgment and order are affirmed.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B188587 People (Not for Publication)

V.

Ross

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B183966 Steven M. Garber & Associates,

V.

Eskandarian et al.,

Filed order certifying opinion for publication and modification of opinion.  
(No change in judgment)